



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1972 of 2018

KAMARAJ

... PETITIONERS / UNKNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KALAKKAD POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO.46 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.SUKUMAR Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

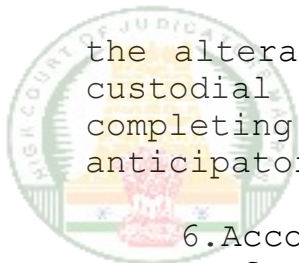
The petitioner/accused No.rank unkonwn, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 41(2) and 102 Cr.P.C altered in one under Sections 420 and 468 IPC, in Crime No.46/2018, seeks anticipatory bail.

2.The case of the prosecution is that during regular police inspection, the police authorities found that the accused person changed the chase and engine of one vehicle to another vehicle.

3.The learned counsel appearing for the petitioner submitted that the petitioner no way connected to the present case. He is the owner of the vehicle. He further submitted that only on the confession of the accused Iyyapan the petitioner was falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that investigation is still pending.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, the accused was altered the chase and engine of the car bearing Registration No.TN-72-L1344. The petitioner is the owner of the vehicle. It is alleged that with the knowledge of the petitioner the said alteration was made. As of now, the car in which



the alteration made was recovered by the investigating agency. So, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

08/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALAKKAD POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.SUKUMAR Advocate SR.No.2171

ORDER IN

CRL OP(MD) No.1972 of 2018

Date :08/02/2018